

IN THE CIRCUIT COURT  
FOR THE THIRD JUDICIAL CIRCUIT,  
MADISON COUNTY

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
TARACORP, INC., a Georgia )  
corporation, )  
 )  
Defendant. )

CONSENT DECREE

The parties in the above-styled case, believing that litigation of the above-styled action would be neither in their best interests nor in the best interest of the public, have agreed to a settlement under the terms and conditions set forth below. The Consent Decree is made and agreed upon and submitted to the Court for the purposes of settlement only, upon the condition that the Court approve it in its entirety. The terms of this Decree shall be binding upon Taracorp, Inc., its assigns and all successors in interest. In the event that the Court does not approve this Consent Decree in its entirety, it shall be null and void and of no effect in this or any other proceeding. In entering into this Consent Decree, Defendant is not admitting either its liability for the violations alleged in the Complaint nor any of the allegations of fact made in that Complaint. It is further agreed and understood by the parties that this Consent Decree shall be enforceable in each



and every of its terms by further order of the Court, and to that end, the Circuit Court retains jurisdiction of this matter in order to enforce each and every of the terms of this Interim Consent Decree.

Subject to the foregoing understanding and agreements, the parties stipulate as follows:

### I. JURISDICTION

The Complaint in the above-styled matter states a claim upon which relief can be granted and the Circuit Court has jurisdiction of this matter.

### II. FUGITIVE EMISSIONS CONTROLS

A. Defendant Taracorp, Inc. ["Taracorp"] agrees to perform or to have performed each and every of the following fugitive emissions controls:

1. By the date of entry of this Consent Decree, Taracorp will define all routes of vehicular traffic on its grounds, using painted lines, for the purpose of limiting traffic to the minimum of roadway necessary. Should such painted lines prove to be unsuccessful in limiting vehicular traffic to the defined areas, Defendant agrees to install physical barriers, such as posts, to define all such routes. Upon the completion of painting, Defendant agrees to submit to the Illinois Environmental Protection

Agency and to Plaintiff a map of its grounds with the defined vehicular traffic areas delineated.

2. No later than October 1, 1984, Taracorp shall apply a 3-inch asphalt paving to all previously unpaved roadways as defined in Paragraph A-1 above, as well as to all previously unpaved parking lots and other areas of possible vehicular traffic. Contemporaneously, Taracorp shall apply asphalt surfacing to all previously paved roadways, parking areas and other areas of possible vehicular traffic at a two-inch thickness. To prevent breakdown of asphalt and to facilitate easier cleaning with vacuum trucks, all asphaltic surfaces at the plant will be sealed.

3. At a time appropriate for seeding in Spring, 1984, all non-traffic, unpaved areas on the plant grounds will be seeded and vegetated with a suitable cover crop. No later than October 1, 1984, Taracorp will treat open areas that cannot easily support vegetative cover with an asphaltic coating, renewed as necessary, to prevent fugitive emissions. Where asphaltic coating is impracticable, Taracorp shall use a dust suppressant beginning on or before May 1, 1984 and repeated thereafter as necessary in order to control fugitive emissions and in no event less often than specified in the dust suppressant manufacturer's instructions, unless a snow cover is present

on the areas to be treated. Taracorp agrees to submit to the Agency a map of its grounds delineating areas to be treated pursuant to this Paragraph.

4. Clean all paved or treated areas with a vacuum sweeper at least once each week. When operating the blast furnace, clean continuously, when weather permits, all regularly used truck traffic areas, and the areas around the battery saw house, dross storage building, blast furnace, and raw materials storage pile. A vacuum sweeper log will be maintained to record hours of operation and areas cleaned.

5. Taracorp shall remove accumulated mud from paved or treated areas using a small loader or hand shovel, as necessary.

6. All traffic entering or leaving the plant site shall use the main gate. Taracorp shall prohibit any vehicle used for on-site material handling from leaving its grounds unless such vehicle is properly cleaned prior to its departure.

7. Taracorp shall eliminate all vehicular traffic on the large lead waste pile located on Taracorp, Inc. grounds, except as is necessary to effect removal of the pile for recycling purposes, disposal or treatment and then in such manner as to minimize fugitive emissions.

8. By October 1, 1984, Taracorp shall fence all of its grounds, including the perimeter of the waste pile, with snow fencing or other suitable fencing materials, so as to reduce wind erosion and inhibit public access.

9. Beginning no later than the date of entry of the Consent Decree, contain in bags or other enclosed containers, all flue dust from the point of collection (cyclone, baghouse, etc.) to the skip hoist. Storage of open flue dust in any building is prohibited including flue dust augered to dross storage area.

### III. PROCESS EMISSIONS CONTROLS

Defendant Taracorp, Inc., agrees to perform or to have performed each of the following process emission controls:

1. In the event that Taracorp seeks to operate the blast furnace, Taracorp will, prior to the commencement of any such operation, apply for and receive an operating permit from IEPA, and will provide the following controls on the blast furnace:

- a. Construct hooding on skip hoist and charging areas to provide at least 90 percent capture and vent emissions to an appropriate control device capable of at least 99.8 percent control.

- b. Construct hooding for slag tapping to provide at least 95 percent capture and vent emissions to an appropriate control device capable of at least 99.8 percent control.
- c. Construct hooding for lead tapping and casting to provide at least 90 percent capture, and allow both the slag and lead molds to cool before they are removed from the hooding.
- d. Contain in enclosed bins or other containers, from the battery breaker to the skip hoist, all battery plates and sludge.

2. No later than October 1, 1985, provide exhaust covers for all kettles in Mixed Metals B with exhaustion to a subsequent control device capable of at least 99.8 percent control; such equipment to have completed performance testing no later than December 31, 1985.

3. No later than October 1, 1985, upgrade baghouse controls on Powdered Lead Department to achieve 99.9 percent control; such equipment to have completed performance testing no later than December 31, 1985.

4. Discontinue use of rotary furnace and batch mixer in Mixed Metals A, as requested by Taracorp in a recent permit application.

#### IV. WASTE PILE CONTROLS

Defendant Taracorp, Inc. agrees to perform or to have performed the following waste pile controls:

1. Beginning on or before May 1, 1984, spray the slag/waste pile with a stabilizing material capable of attaining 75 percent control of the emissions from the pile; such spraying shall be repeated in accordance with the spray manufacturer's instructions and in any event no less often than is required to achieve 75 percent control of the emissions from the pile. The only vehicles which would be allowed on the pile would be ones involved in the removal of the waste.

#### V. TESTING AND TEST METHODS

1. Unless a date is otherwise specified in this Consent Decree, Taracorp shall test all control devices covered by this Consent Decree for compliance with the provisions of this Consent Decree within six (6) months of the date of entry of this Consent Decree. Such testing shall be conducted in accordance with IEPA procedures and USEPA Reference Methods 1, 2, 5 and 12. Written notice of such testing shall be provided to IEPA thirty (30) days prior to any test and a written copy of the testing protocol shall be provided five (5) days prior to any such

test, all pursuant to the notification procedures set forth in Article VI below.

#### VI. GENERAL PROVISIONS

1. The parties agree and acknowledge that IEPA bears the burden of proving any violation of the provisions of this Consent Decree and that Taracorp bears the burden of proving any affirmative defenses to any violation of this Consent Decree. The parties agree that the burden of proof applicable to any party will be the preponderance of the evidence or any standard of proof that may hereafter be applicable to Complainants in enforcement proceedings before the Illinois Pollution Control Board or any successor to the Illinois Pollution Control Board.

2. The parties acknowledge that the Complaint in this matter concerns only part of the outstanding disputes between them and this Consent Decree resolves only part of these outstanding disputes. Among other matters left unresolved by this Consent Order are (1) the pending claim of the State of Illinois before the bankruptcy court in Atlanta, Georgia in the matter of Taracorp, Inc., debtor (No. 82-04654A), (2) the adversary proceeding (No. 83-2063A) in that same bankruptcy court, (3) the entire matter relating to evaluation of the environmental problems arising out of the waste pile discussed above and



the deposits of lead on soil on and off the grounds of the Taracorp plant in Granite City, Illinois, and the satisfactory resolution of those environmental problems, and (4) the pending permit denial appeal (No. 83-43) before the Illinois Pollution Control Board.

3. Any notice or other communication required to be sent under any provision of this Consent Decree, or any other communication relating to the terms and provisions of this Consent Decree, shall be sent certified mail, return receipt to:

For IEPA:

Air Permit Manager  
Division of Air Pollution Control  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

Regional Manager  
Division of Air Pollution Control  
Illinois Environmental Protection Agency  
115A West Main Street  
Collinsville, Illinois 62234

For Taracorp:

[ ]

4. The parties acknowledge and agree that Taracorp shall provide IEPA reasonable access to all records and documents required under this Consent Decree or any other law, statute or regulation to be kept by Taracorp, subject to constitutional limitations.

WHEREFORE, this Consent Decree is entered with  
agreement and concurrence of the parties hereto.

IT IS SO ORDERED.

Date \_\_\_\_\_

\_\_\_\_\_  
Judge of the Circuit Court

Defendant, Taracorp, Inc.

Plaintiff,  
People of the State of Illinois

BY: \_\_\_\_\_

BY: \_\_\_\_\_  
Neil F. Hartigan  
Attorney General

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Illinois Environmental  
Protection Agency

BY: \_\_\_\_\_  
Joseph Svoboda  
Manager, Enforcement

Date: \_\_\_\_\_

BY: \_\_\_\_\_  
Daniel Goodwin  
Manager, Division of  
Air Pollution Control

Date: \_\_\_\_\_